

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owners, Progress Land Company, Inc. and Lehigh Corporation, to rezone approximately 289 acres of land from Agricultural (AG-2), Residential Single Family (RS-1), and Residential Multi-family (RM-2) to Mixed Planned Development (MPD), in reference to Classic Hills; and

WHEREAS, a public hearing was advertised and held on November 9, 1999, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # 97-12-179.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on January 31, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST:

The applicant filed a request to rezone approximately 289± acres of land from AG-2, RS-1, and RM-2 to MPD to permit a maximum of 990 dwelling units in a mix of housing types to include a maximum of 250 single family units, 270 duplex/two-family units, and 470 multi-family units or a combination not to exceed 990 units, with a golf course and club house, including a maximum of 100,000 square feet of commercial uses. The property is located in the Central Urban Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Classic Hills Golf Community," sheet 1 of 2 dated June 15, 1999, and sheet 2 of 2 dated June 15, 1999, and last revised August 24, 1999, both stamped received by the Permit Counter on August 26, 1999, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order approval, except as may be granted by deviation as part of this planned

development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

**Residential Areas:**

ACCESSORY USES AND STRUCTURES

ACCESSORY APARTMENT

ADMINISTRATIVE OFFICES

DWELLING UNITS:

Single-family, villas and regular (conventional)

Two-family attached

Townhouse

Multiple family

Zero Lot Line

ENTRANCE GATES AND/OR GATEHOUSES

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, Group I

EXCAVATION/Water Retention

FENCES, WALLS

GOLF COURSE

Golf Driving Range (limited to the aqua range as shown on the MCP)

HOME OCCUPATION

MODELS: (see Condition 6)

Display center

Model home

Model unit

RECREATIONAL FACILITIES:

Personal

Private, On-Site

SIGNS, in accordance with LDC Chapter 30

TEMPORARY USES

**Club House Area:**

CLUBS, Country

PARKING LOT, Accessory

CONSUMPTION ON PREMISES

DAY CARE CENTER, Child

FOOD AND BEVERAGE SERVICE, LIMITED

PERSONAL SERVICES, Groups I & II (limited to health club or spa)

REAL ESTATE SALES OFFICE (limited to one that only serves this project)  
RESTAURANTS, Groups I, II & III  
SPECIALTY RETAIL SHOPS, Groups I & II  
TEMPORARY USES

**Areas 1 and 6; Commercial Uses**

ADMINISTRATIVE OFFICES  
ATM (automatic teller machine)  
AUTOMOBILE SERVICE STATION  
BANKS AND FINANCIAL ESTABLISHMENTS, Groups I & II  
BAR OR COCKTAIL LOUNGE  
BUSINESS SERVICES, Group I  
CAR WASH  
CLEANING AND MAINTENANCE SERVICES  
CLOTHING STORES, general  
CLUBS:  
    Commercial  
    Country Club  
    Fraternal, membership organization  
    Private  
COMPUTER AND DATA PROCESSING SERVICES  
CONSUMPTION ON PREMISES (COP), maximum of six - restaurants (four); bar  
    or cocktail lounge (two)  
CONVENIENCE FOOD AND BEVERAGE STORE  
CULTURAL FACILITIES, excluding zoos or other outdoor uses  
DAY CARE CENTER, Child, Adult  
DRIVE-THROUGH FACILITY, for any permitted use  
DRUGSTORE, PHARMACY  
EMERGENCY MEDICAL SERVICE (limited to ambulance station)  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES, Group I  
EXCAVATION, Water retention  
FENCES, WALLS  
FIRE STATION  
FOOD AND BEVERAGE SERVICE, LIMITED  
FOOD STORES, Groups I  
GIFT AND SOUVENIR SHOP  
HARDWARE STORE  
HEALTH CARE FACILITIES, Groups I, II & III  
HOBBY, TOY AND GAME SHOPS  
HOUSEHOLD AND OFFICE FURNISHINGS, All Groups  
INSURANCE COMPANIES  
LAUNDRY OR DRY CLEANING, Group I

LAWN AND GARDEN SUPPLY STORES

LIBRARY

MEDICAL OFFICE

NONSTORE RETAILERS, All Groups

PARCEL AND EXPRESS SERVICES

PACKAGE STORE

PAINT, GLASS AND WALLPAPER

PARKING LOT:

Accessory

Garage, public parking (limited to two stories)

PERSONAL SERVICES, Groups I, II (excluding massage parlors), III, & IV (limited to babysitting bureaus, portrait copying, shopping services, and tax return preparation services)

PET SHOP

PLACE OF WORSHIP

POLICE OR SHERIFF'S STATION

POST OFFICE

RECREATIONAL FACILITIES, Commercial, Groups I, III (excluding any outdoor cultural facilities operated as a commercial establishment, all water slides, and aquatic centers), & IV

RELIGIOUS FACILITIES

RENTAL OR LEASING ESTABLISHMENT, Groups I, II, & III

REPAIR SHOPS, Groups I & II

RESTAURANT, FAST FOOD

RESTAURANTS, Groups I, II, III, & IV

RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to a permitted principal use on the same premises

SELF-SERVICE FUEL PUMPS

SIGNS, in accordance with LDC Chapter 30

SPECIALTY RETAIL SHOPS, Groups I, II, III, & IV

TEMPORARY USES

VARIETY STORE

VEHICLE AND EQUIPMENT DEALERS, Groups I & II

**Areas 1 and 6; Residential Uses:**

If Areas 1 or 6 are to be used for residential purposes, they must comply with Condition 12.

ACCESSORY USES AND STRUCTURES

DWELLING UNIT:

Townhouse

Multiple-family

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, Groups I  
EXCAVATION, Water retention  
FENCES, WALLS  
HOME OCCUPATION  
RECREATIONAL FACILITIES, Personal and Private

b. Site Development Regulations

The property development regulations are as set out below for the residential and commercial uses, and as further limited by Deviations (1), (2), and (3).

SINGLE FAMILY DETACHED - VILLAS

Minimum Lot Area	5,000 sq. ft.
Minimum Lot Size	40 feet x 125 feet
Minimum Corner Lot Size	50 feet x 125 feet
Front Setback from Street	20 feet
Side Setback from Street	15 feet
Side Setback	5 feet
Rear Setback	5 feet
Setback from Waterbody	15 feet
Maximum Building Height	35 feet, three stories
Maximum Lot Coverage	60 percent

SINGLE FAMILY DETACHED - REGULAR

Minimum Lot Area	6,000 sq. ft.
Minimum Lot Size	60 feet x 100 feet
Minimum Corner Lot Size	70 feet x 100 feet
Front Setback from Street	20 feet
Side Setback from Street	15 feet
Side Setback	5 feet
Rear Setback	5 feet
Setback from Waterbody	15 feet
Maximum Building Height	35 feet, three stories
Maximum Lot Coverage	60 percent

ZERO LOT LINE, TWO-FAMILY ATTACHED OR TOWNHOUSE

Minimum Lot Area	2,000 sq. ft./unit
Minimum Lot Size	25 feet x 80 feet
Minimum Corner Lot Size	40 feet x 80 feet
Front Setback from Street	20 feet
Side Setback from Street	15 feet
Side Setback	10 feet - zero lot line
Side Setback	5 feet - two-family attached
Rear Setback	5 feet

Minimum Building Separation	10 feet
Setback from Waterbody	15 feet
Maximum Building Height	35 feet, three stories
Maximum Lot Coverage	60 percent

MULTIPLE-FAMILY HOUSING (three or more units per building)

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Size	100 feet x 100 feet
Minimum Corner Lot Size	110 feet x 100 feet
Front Setback from Street	20 feet
Side Setback from Street	15 feet
Side Setback	15 feet
Rear Setback	20 feet
Minimum Building Separation	10 feet
Setback from Waterbody	15 feet
Maximum Building Height	55 feet, four stories*
Maximum Lot Coverage	60 percent

\*4-story buildings are only allowed if they are located in Areas 1, 4, 6, 7 or 11.

ALL USES ALLOWED IN THE CLUB HOUSE AREA

Minimum Lot Area	7,500 sq. ft.
Minimum Lot Size	75 feet x 100 feet
Minimum Corner Lot Size	90 feet x 100 feet
Front Setback from Street	20 feet
Side Setback from Street	15 feet
Side Setback	10 feet
Rear Setback	10 feet
Minimum Building Separation	20 feet
Setback from Waterbody	15 feet
Maximum Building Height	35 feet, two stories
Maximum Lot Coverage	50 percent
Open Space Required	40 percent
Total Maximum Building Square Footage	20,000 sq. ft.

ALL USES LISTED FOR COMMERCIAL AREAS

Minimum Lot Area	7,500 sq. ft.
Minimum Lot Size	75 feet x 100 feet
Minimum Corner Lot Size	90 feet x 100 feet
Front Setback from Street	25 feet
Side Setback from Street	15 feet
Side Setback	10 feet

Rear Setback	20 feet
Setback from Waterbody	15 feet
Maximum Lot Coverage	40 percent
Open Space Required	30 percent
Maximum Building Height	35 feet, two stories
Total Maximum Building Square Footage	100,000 sq. ft.

3. The development will be limited to a maximum of 100,000 square feet of commercial retail uses to be distributed as follows:
  - a. Up to a maximum of 20,000 square feet can be located in the Club House Area for ancillary uses to the golf course and residential community.
  - b. The remaining square footage will be located in Areas 1 and 6, and may not exceed 100,000 square feet in total.
4. The development will consist of a maximum of 990 dwelling units with a maximum of 250 single-family dwelling unit types, including zero-lot-line units, 270 two-family attached units, and 470 multi-family and townhouse units, or a combination not to exceed 990 dwelling units.
5. The following conditions are to help mitigate potential hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.
  - a. Prior to approval of a local development order the Developer must:
    1. Establish a homeowners' association or residents' association. The organization shall provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards; and
    2. Formulate an emergency hurricane notification and evaluation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.
  - b. The project will be subject to any future, duly adopted evacuation or shelter mitigation requirements applicable to residential developments within the County.
6. Model units and homes are permitted in compliance with the following conditions:

- a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
  - b. All model sites must be designated on the development order plans; and
  - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for Classic Hills; and
  - d. Dry models are prohibited.
7. The following conditions address environmental issues:
- a. The cabbage palm hammock areas (approximately 3.16 acres) delineated on attached Exhibit D, entitled "Cabbage Palm Hammock Preservation", must be preserved. Minor clearing is permitted through the cabbage palm hammocks for golf course fairways. Proposed fairway crossings through the cabbage palm hammocks must be reviewed and approved by Division of Planning, Environmental Sciences prior to local development order approval. Any cabbage palms with 8-foot or greater of clear trunk removed for the construction of the fairways must be relocated on-site.
  - b. Mature native trees and understory must be retained to the maximum extent possible within golf course roughs.
  - c. If an incidental take permit is obtained from the Florida Fish and Wildlife Conservation Commission (FWC), the applicant must provide a final gopher tortoise management plan following the general guidelines committed to in the "Management Plan for Listed Species" prepared by Boylan Environmental dated October 1, 1998. If the FWC denies an incidental take permit, a final gopher tortoise relocation management plan per LDC §10-474 for on-site management must be provided for Division of Planning/Environmental Sciences Staff review and approval.
8. Prior to local development order approval, 40 percent or 75.92 acres of open space must be provided for the single-family dwellings on lots less than 6,500 square feet, multiple-family dwelling units and golf course development area. Fifty percent or 38.94 acres of the required open space must be provided by existing indigenous preservation.
9. Single-family dwelling units (villas and regular/conventional), two-family attached, zero-lot-line, townhouse, and multiple-family dwelling units are permitted in Areas 2, 3, 5, 8, 9, and 10, and are limited to a maximum height of 35 feet or three stories, whichever is



the lesser amount.

10. Buffers will be provided in accordance with the LDC §10-416(d) for multiple-family and commercial areas. No buffering is required for single-family (villas and regular/conventional), two-family attached, or zero-lot-line dwelling units.
11. Single-family, two-family attached, zero-lot-line, townhouse and multiple-family dwelling units are permitted in Areas 4, 7, and 11 and limited to a maximum height of 35 feet or three stories, with multiple-family dwelling units limited to 55 feet or four stories, whichever is less, with setbacks in compliance with LDC §34-2174.
12. Only townhouse and multiple-family dwelling units are permitted in Areas 1 and 6, with townhouses limited to a maximum height of 35 feet or three stories and multiple-family dwelling units limited to 55 feet or four stories, whichever is less, with setbacks in compliance with LDC §34-2174, as follows:
  - a. Townhouse and multiple-family dwelling units will be permitted on Areas 1 and 6 provided 50 percent or less of each area is developed for commercial purposes.
  - b. If Areas 1 and 6 have commercial and residential uses, the residential uses must be clustered in the southern portion of Areas 1 and 6.
  - c. The residential uses must be accessed from the interior of the proposed development.
13. During the development order process, the required 20-foot-wide maintenance easement (See LDC §10-328(a)) may be reduced, provided documentation from South Florida Water Management District is provided to Development Services approving the easement reduction to a minimum of 15 feet in width for easements abutting residential areas and does not require maintenance easements for areas that do not abut residential areas.
14. Transportation:
  - a. Concurrent with the completion of this project, Lehigh Corporation, or their designee, including the applicant/developer herein, must complete the extension of Beth Stacey Boulevard from the current southern terminus at the intersection of 23<sup>rd</sup> Street in a southerly direction to connect to the existing northern terminus of Beth Stacey Boulevard at the south line of Section 6, Township 45 South, Range 27 East near Parson Street, a distance of approximately 3,630 feet, in a manner consistent with the "Agreement Regarding the Construction of Improvements to Connect Beth Stacey Boulevard to Milwaukee Boulevard and the Dedication of Related Rights-of-Way" (Agreement) executed by Lehigh Corporation and approved by the Lee County Board of County Commissioners on November 24, 1998 (attached as Exhibit E). This roadway must be constructed to County standards, in accordance

with the LDC and the "Agreement."

- b. In recognition of the financial situation of the developer and the County's projected long range need for the interconnection of Beth Stacey Boulevard to Milwaukee Boulevard, Applicant is required to construct and have approved by the County through issuance of a Certificate of Completion the following road segments:
    - (1) the link of Beth Stacey Boulevard between the golf course clubhouse parcel and 23<sup>rd</sup> Street S.W., prior to issuance of the project's first residential dwelling unit's Certificate of Occupancy; and
    - (2) the southernmost link of Beth Stacey Boulevard from its intersection with the south branch of the project's internal spine road to its interconnection with the existing northerly terminus of Beth Stacey Boulevard, prior to issuance of the project's 495<sup>th</sup> Certificate of Occupancy for residential dwelling units.
  - c. Until the full southerly extension of Beth Stacey Boulevard is completed and open to traffic between 23<sup>rd</sup> Street S.W. and Milwaukee Boulevard, Applicant is limited to a maximum of 30,000 square feet of retail commercial uses on Parcels 1 and 6.
  - d. Constructing the Beth Stacey Boulevard extension in the manner allowed by this approval does not guarantee that applicant/developer will receive road impact fee credits. Road impact fee credits will be awarded in compliance with the LDC and Administrative Code provisions in effect at the time of the construction of the portions of the extended roadway, and in accordance with the road impact fee credit provisions of the Agreement referenced in Paragraph "a." above.
- 15. Prior to acceptance of Beth Stacey Boulevard by the County for maintenance, the existing platted road right-of-way must be successfully vacated and the new right-of-way dedicated to the County.
  - 16. If Beth Stacey Boulevard and the golf cart overpass crossing are constructed concurrently, then, prior to the acceptance of Beth Stacey Boulevard by the County for maintenance, a maintenance agreement for the proposed golf cart overpass crossing will need to be reviewed and approved by Lee County Department of Transportation (LCDOT) and the County Attorney's Office, and executed and recorded in the Lee County Public Records. If Beth Stacey Boulevard has been constructed and accepted for County maintenance prior to construction of the proposed golf cart overpass crossing, then, prior to issuance of the Certificate of Compliance for the proposed golf cart overpass crossing, the maintenance agreement must be reviewed and approved by LCDOT and the County Attorney's Office, and executed and recorded in the Lee County Public Records.
  - 17. The Applicant will provide traffic monitoring reports within three months of the issuance date

of the Certificates of Occupancy for the 248<sup>th</sup>, 496<sup>th</sup>, and 744<sup>th</sup> dwelling unit, and a final monitoring report at project buildout. These reports must show background traffic at the intersection of 23<sup>rd</sup> Street S.W. and Beth Stacey Boulevard as well as traffic generated by or attached to the various parts of this project including the project access points. The purpose of the monitoring report is to determine if and when warrants are met for signalization.

18. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §§34-695, 34-715 and 34-844 standard requirements for property development regulations to establish property development regulations for the residential and commercial uses. This deviation is APPROVED, SUBJECT TO COMPLIANCE WITH the minimum property development typical drawings on the MCP and as set out in Condition 2.b.
2. Deviation (2) seeks relief from the LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the heights, or 20 feet, whichever is greater, to allow a 10-foot minimum building separation. This deviation is APPROVED, PROVIDED Applicant receives and submits to the County, a letter(s) of approval from the appropriate fire district(s) prior to development order approval.
3. Deviation (3) seeks relief from the LDC §34-2222(1) requirement to provide a 15-foot increase in the minimum lot width for corner lots, to allow a minimum increase of 10 feet for corner lots. This deviation is APPROVED, SUBJECT TO CONDITION that adequate sight distances are maintained.
4. Deviation (4) seeks relief from the LDC §10-285(a) requirement for an arterial road separation of 660 feet, to allow a minimum of 330 feet on 23<sup>rd</sup> Street from the Beth Stacey Boulevard intersection for a right-in only into the commercial parcel; and to a minimum of 330 feet on 23<sup>rd</sup> Street from the Anita Avenue intersection for full access into their golf course maintenance area. This deviation is APPROVED.
5. Deviation (5) seeks relief from the LDC §10-285(a) requirement for an arterial road separation of 660 feet, to allow a minimum of 330 feet on Beth Stacey Boulevard from the intersection of 23<sup>rd</sup> Street for the commercial parcels for right-in/right-out only. This deviation is APPROVED, SUBJECT TO THE CONDITION that the median that currently exists on Beth Stacey Boulevard, north of 23<sup>rd</sup> Street, is continued south to the intersection of the residential areas that are 660 feet from the 23<sup>rd</sup> Street intersection.
6. Deviation (6) seeks relief from the LDC §10-285(a) requirement for an arterial road

separation of 660 feet, to allow a minimum of 330 feet on Beth Stacey Boulevard from the intersection of the commercial parcels to the entrances of the residential areas for full access. This deviation is APPROVED.

7. Deviation (7) seeks relief from the LDC §10-285(a) requirement for an arterial road separation of 660 feet, to allow a minimum of 500 feet on Beth Stacey Boulevard from the intersection of the residential areas to the intersection of Parson Street. This deviation is APPROVED.
8. Deviation (8) seeks relief from the LDC §10-328(a) requirement for a 20-foot-wide maintenance easement around watercourses, drainageways, canals, I.D.D. easements, lakes, ponds, or streams, to allow for no maintenance easement for areas that do not abut single-family lots and 15-foot-wide maintenance easements for areas directly abutting single-family lots. This deviation is APPROVED, SUBJECT TO Condition 13.
9. Deviation (9) seeks relief from the LDC §30-152(2) requirement that identification signs be set back a minimum of 15 feet from any right-of-way or easement, to allow identification signs to be zero feet from a right-of-way. This deviation is APPROVED, PROVIDED the location and construction of the identification signs are in accordance with regulations for minimum safety sight distances.
10. Deviation (10) seeks relief from the LDC §10-416(a)(2) requirement that residential developments must provide one tree per 3,000 square feet of development area, to allow the residential development to provide one tree per 3,000 square feet of development area less the wetland preserve areas of 37.80 acres. This deviation is DENIED.

#### SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Cabbage Palm Hammock Preservation
- Exhibit E: Agreement Regarding the Construction of Improvements to Connect Beth Stacey Boulevard to Milwaukee Boulevard and the Dedication of Related Rights-of-Way

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The rezoning, as approved:

- a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Manning, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 31st day of January, 2000.

ATTEST:  
CHARLIE GREEN, CLERK

BY:

  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:

  
Chairman

Approved as to form by:

  
County Attorney's Office

MINUTES OFFICE



FILED FEB 1 1 2000

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**Progress Land Company, Inc. in ref. to Classic Hills  
97-12-179.03Z 01.01**

A TRACT OF LAND IN THE WEST HALF OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 00°-52'-30" WEST, ALONG THE WEST SECTION LINE OF SAID SECTION 6, A DISTANCE OF 2,962.25 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF TWENTY-THIRD STREET EXTENSION (80 FOOT WIDE); THENCE NORTH 87°-10'-26" EAST, ALONG SAID RIGHT-OF-WAY LINE OF TWENTY-THIRD STREET EXTENSION A DISTANCE OF 88.88 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,140.00 FEET, A DELTA ANGLE OF 22°-31'-11" A CHORD OF 835.71 FEET, AND A CHORD BEARING OF NORTH 75°-54'-51" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 841.11 FEET, TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,060.00 FEET, A DELTA ANGLE OF 23°-53'-56" A CHORD OF 853.04 FEET, AND A CHORD BEARING OF NORTH 76°-36'-13" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 859.26 FEET, TO THE POINT OF TANGENCY; THENCE NORTH 88°-33'-11" EAST, STILL ALONG THE SOUTHERLY RIGHT-OF-WAY OF TWENTY-THIRD STREET EXTENSION, A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED THENCE CONTINUING NORTH 88°-33'-11" EAST A DISTANCE OF 250.00 FEET, TO THE WESTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD (106 FOOT WIDE); THENCE SOUTH 01°-26'-49" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD, A DISTANCE OF 600.00 FEET, THENCE SOUTH 88°-33'-11" WEST A DISTANCE OF 250.00 FEET; THENCE NORTH 01°-26'-49" WEST A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.44, ACRES PLUS OR MINUS.

A TRACT OF LAND IN SECTION 6, TQWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 89°-20'-36" EAST, ALONG THE SOUTH SECTION LINE OF SAID SECTION 6, A DISTANCE OF 3,136.38 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD (UNIMPROVED), AS SHOWN ON THE PLAT OF PARKWOOD VII, RECORDED IN PLAT BOOK 28, AT PAGE 115, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUING NORTH 89°-20'-36" EAST, ALONG THE SOUTH SECTION LINE OF SAID SECTION 6, A DISTANCE OF 886.90 FEET; THENCE NORTH 01°-41'-36" WEST, A DISTANCE

OF 3,291.46 FEET; THENCE SOUTH 89°-31'-30" WEST, A DISTANCE OF 1,284.54 FEET, TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 89°-31'-30" WEST A DISTANCE OF 250.00 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD; THENCE SOUTH 01°-26'-49" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD A DISTANCE OF 538.25 FEET; THENCE NORTH 89°-31'-30" EAST A DISTANCE OF 250.00 FEET; THENCE NORTH 01°-26'-49" WEST A DISTANCE OF 538.25 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.09 ACRES, PLUS OR MINUS.

A TRACT OF LAND IN THE WEST HALF OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 89°-20'-36" EAST, ALONG THE SOUTH SECTION LINE OF SAID SECTION 6, A DISTANCE OF 3,136.38 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD (UNIMPROVED), AS SHOWN ON THE PLAT OF PARKWOOD VII, RECORDED IN PLAT BOOK 28, AT PAGE 115, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAID POINT OF BEING THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 89°-20'-36" EAST, ALONG THE SOUTH SECTION LINE OF SAID SECTION 6, A DISTANCE OF 886.90 FEET; THENCE NORTH 01°-41'-36" WEST, A DISTANCE OF 3,291.46 FEET; THENCE SOUTH 89°-31'-30" WEST, A DISTANCE OF 1,284.54 FEET; THENCE SOUTH 01°-26'-49" EAST A DISTANCE OF 538.25 FEET, THENCE SOUTH 89°-31'-30" WEST A DISTANCE OF 250.00 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD; THENCE SOUTH 01°-26'-49" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD A DISTANCE OF 455.85 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,811.79 FEET, A DELTA ANGLE OF 17°-14'-58", A CHORD OF 843.32 FEET, AND A CHORD BEARING OF SOUTH 10°-04'-18" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 846.52 FEET, TO THE POINT OF TANGENCY; THENCE SOUTH 18°-41'-47" EAST, A DISTANCE OF 790.02 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 4,197.00 FEET, A DELTA ANGLE OF 10°-42'-17", A CHORD OF 783.00 FEET, AND A CHORD BEARING OF SOUTH 24°-02'-56" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 784.14 FEET, TO THE SOUTH SECTION LINE OF SAID SECTION 6, AND THE POINT OF BEGINNING. SAID PARCEL CONTAINING 100.24 ACRES, MORE OR LESS.

A TRACT OF LAND IN THE WEST HALF OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 00°-52'-30" WEST, ALONG THE WEST SECTION LINE OF SAID SECTION 6, A DISTANCE OF 2,962.25 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF TWENTY-THIRD STREET EXTENSION (80 FOOT WIDE); THENCE NORTH 87°-10'-26" EAST, ALONG SAID RIGHT-OF-WAY LINE OF TWENTY-THIRD STREET EXTENSION A DISTANCE OF 88.88 FEET, TO THE POINT OF



CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,140.00 FEET, A DELTA ANGLE OF 22°-31'-11", A CHORD OF 835.71 FEET, AND A CHORD BEARING OF NORTH 75°-54'-51" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 841.11 FEET, TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,060.00 FEET, A DELTA ANGLE OF 23°-53'-56", A CHORD OF 853.04 FEET, AND A CHORD BEARING OF NORTH 76°-36'-13" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 859.26 FEET, TO THE POINT OF TANGENCY; THENCE NORTH 88°-33'-11" EAST, STILL ALONG THE SOUTHERLY RIGHT-OF-WAY OF TWENTY-THIRD STREET EXTENSION, A DISTANCE OF 350.00 FEET; THENCE SOUTH 01°-26'-49" EAST A DISTANCE OF 600.00 FEET; THENCE NORTH 88°-33'-11" EAST A DISTANCE OF 250.00 FEET, TO THE WESTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD (106 FOOT WIDE); THENCE SOUTH 01°-26'-49" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD, A DISTANCE OF 455.85 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,917.79 FEET, A DELTA ANGLE OF 17°-14'-58", A CHORD OF 875.12 FEET, AND A CHORD BEARING OF SOUTH 10°-04'-18" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 878.43 FEET, TO THE POINT OF TANGENCY; THENCE SOUTH 18°-41'-47" EAST, A DISTANCE OF 790.02 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 4,303.00 FEET, A DELTA ANGLE OF 09°-55'-59" A CHORD OF 745.05 FEET, AND A CHORD BEARING OF SOUTH 23°-39'-47" EAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 745.99 FEET, TO THE SOUTH SECTION LINE OF SAID SECTION 6; THENCE SOUTH 89°-20'-36" WEST, ALONG THE SOUTH SECTION LINE OF SAID SECTION 6, A DISTANCE OF 3,015.91 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 6, AND THE POINT OF BEGINNING. SAID PARCEL CONTAINING 182.45 ACRES, MORE OR LESS.

The applicant has indicated that the STRAP numbers for the subject property are:

06-45-27-00-00001.0040; 06-45-27-00-01001.0050; 06-45-27-06-00000.A000;  
06-45-27-06-00001.0010 thru lot 0800; 06-45-27-06-00002.0010 thru lot 0280;  
06-45-27-06-00003.0010 thru lot 0060; 06-45-27-06-00004.0010 thru lot 0060;  
06-45-27-06-00005.0010 thru lot 0280; 06-45-27-07-00000.A000;  
06-45-27-07-00001.0010 thru lot 0400; 06-45-27-07-00002.0010 thru lot 0160;  
06-45-27-07-00003.0010 thru lot 0220; 06-45-27-07-00004.0010 thru lot 0290;  
06-45-27-07-00005.0010 thru lot 0370; 06-45-27-07-00006.0010 thru lot 0160

**ZONING MAP**

The map displays several zoning districts: **RS-1** (Residential Single-Family), **RM-2** (Residential Medium-Density), and **AG-2** (Agriculture). A specific property is highlighted with a star and labeled **SUBJECT PROPERTY**. The map includes acreage information for several lots: 12.25 AC, 2.23 AC, 16.02 AC, 21.23 AC, 20.6 AC, 28.55 AC, 44.67 AC, and 102.74 AC. A north arrow is located in the upper left quadrant.

**EXHIBIT B**

EXHIBIT B

# CLASSIC HILLS GOLF COMMUNITY

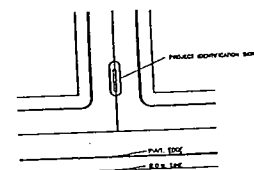
DEVELOPER : PROGRESS LAND COMPANY  
6001 EGAN DRIVE, SUITE 100  
SAVAGE, MN. 55378  
(612)226-3200

ZONING AGENT : KATHY MORGAN CONSULTANT  
LAND DEVELOPMENT CONSULTANT  
6747 PLANTATION MANOR LOOP  
FORT MYERS, FLORIDA 33912  
(914)768-6677

APPROVED

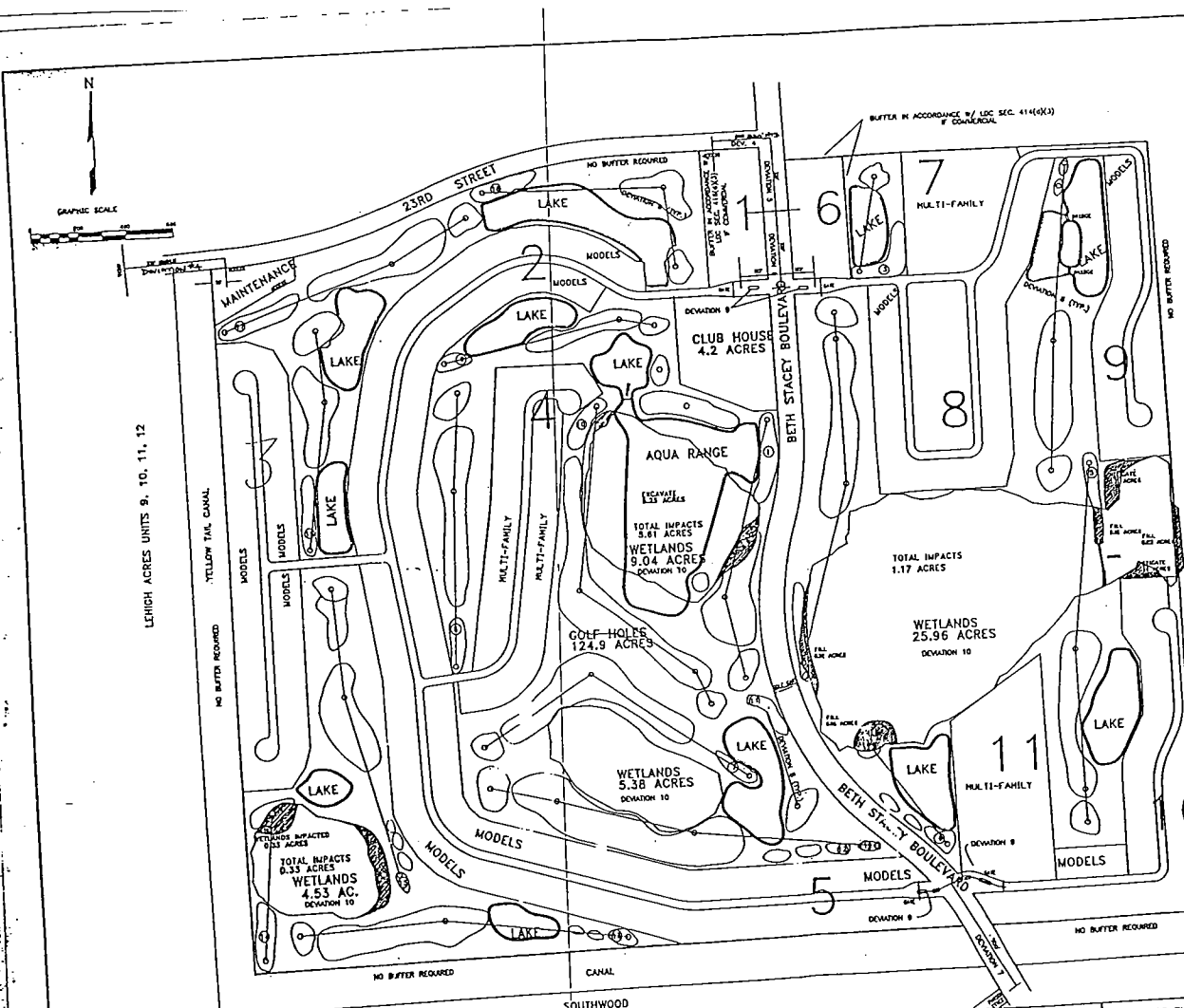
Master Concept Plan  
Site Plan # 97-12-171-039  
Subject to conditions in Permit # 97-12-171-039  
Zoning Case # 97-12-171-039

AUG 26 1999  
PERMIT COUNTER



DEVIATION NO. 9  
PROJECT # 97-12-171-039  
PROJECT TYPE D

<p>REVISIONS</p> <p>DATE : 6 / 15 / 99</p>	<p>PROGRESS ENGINEERING, INC.</p> <p>CONSULTING ENGINEER</p> <p>400 EGAN DRIVE, SUITE 100 SAVAGE, MINNESOTA 55378 PHONE 612-226-3200</p> <p>FILE : CLASSIC</p>	<p>MASTER CONCEPT PLAN FOR CLASSIC HILLS LEE COUNTY, FLORIDA</p> <p>SHEET 1 of 2 SHEETS EXHIBIT IV-E</p>
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NOTE : THE NUMBER DESIGNATIONS OF 1 THRU 11 INDICATE AREAS OF RESIDENTIAL AND COMMERCIAL DEVELOPMENT.

## GENERAL NOTES CLASSIC HILLS GOLF COMMUNITY

- THE RESIDENTIAL AREAS OF THIS PROJECT CAN BE LOCATED ANY WHERE WITHIN THE PROPERTY BOUNDARIES AND WILL BE DEVELOPED AS A MIX OF SINGLE FAMILY AND MULTI-FAMILY UNITS, AS DETERMINED BY THE MARKET, BUT THE TOTAL NUMBER OF UNITS WILL NOT EXCEED 990.
  - A TOTAL OF 100,000 S.F. OF RETAIL/OFFICE COMMERCIAL IS BEING REQUESTED. THE COMMERCIAL AREAS CAN ONLY BE LOCATED IN THE AREAS OF PARCELS 1 AND/OR 6 AS INDICATED ON THE MASTER CONCEPT PLAN.
  - THE CLUB HOUSE AREA WITH THE PROPOSED USES WILL NOT EXCEED 20,000 SQUARE FEET. COMMERCIAL USE SQUARE FOOTAGE WILL BE IN ACCORDANCE WITH LDC SECTION 34-937.
  - THE CLUB HOUSE WILL INCLUDE ALL TYPICAL AND APPROPRIATE COUNTRY CLUB USES INCLUDING, BUT NOT LIMITED TO, LOCKER ROOM, HEALTH CLUB OR SPA, RESTAURANT(S), BAR OR COCKTAIL LOUNGE, PRO SHOP, CART STORAGE AND OTHER ANCILLARY COMMERCIAL USES AS LISTED ON THE SCHEDULE OF USES - RESIDENTIAL AREAS. THE CLUB HOUSE AREA CAN INCLUDE ANY USES LISTED IN THE SCHEDULE OF USES FOR THE RESIDENTIAL AREAS AS INDICATED WITH AN ASTERISK.
  - PARKING FOR GOLF COURSE AND THE CLUBHOUSE SITE WILL BE IN ACCORDANCE WITH LDC SECTION 34-2020(4)(c) AND LDC SECTION 34-937(5)(b).
  - THE GOLF COURSE MAINTENANCE AREA WILL INCLUDE ALL TYPICAL AND APPROPRIATE USES NECESSARY FOR THE MAINTENANCE OF THE GOLF COURSE AND OPEN SPACE AREAS. THE GOLF COURSE AND OPEN SPACE WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION ONCE IT BECOMES PRIVATE.
  - OPEN SPACE WILL BE IN ACCORDANCE WITH LDC SECTIONS 34-915(g)(1) AND (3), AND LDC SECTION 10-415. SEE OPEN SPACE TABLE ON MASTER CONCEPT PLAN.
- THE FOLLOWING USES ARE NOT REQUIRED TO PROVIDE OPEN SPACE: 1) SINGLE-FAMILY RESIDENCE ON A SINGLE LOT WITH A MINIMUM LOT SIZE OF 6,500 S.F. 2) DUPLEX ON A SINGLE LOT WITH A MINIMUM LOT SIZE OF 7,350 S.F. OR 3) TWO-FAMILY ATTACHED EACH ON AN INDIVIDUAL LOT WITH A MINIMUM LOT SIZE OF 3,750 S.F. SEE OPEN SPACE TABLE.
- ALL OTHER RESIDENTIAL DEVELOPMENT INCLUDING MULTI-FAMILY WILL PROVIDE 40% OPEN SPACE. THE OPEN SPACE CAN BE REDUCED TO 30% WHEN THE REMAINING 10% IS DISTRIBUTED AS PRIVATE OPEN SPACE TO INDIVIDUAL DWELLING UNITS HAVING IMMEDIATE PRIVATE GROUND FLOOR ACCESS, IN ACCORDANCE WITH LDC SECTION 34-935(g)(1).
- THE GOLF COURSE AREA, INCLUDING THE AQUA RANGE AND CLUB HOUSE AREA WILL PROVIDE 40% OPEN SPACE.
- THE COMMERCIAL DEVELOPMENT WILL PROVIDE 30% OPEN SPACE.
- BUFFER REQUIREMENTS WILL BE IN ACCORDANCE WITH LDC SECTION 10-416(4) AND AS STATED BELOW.
- THE COMMERCIAL AREA(S) THAT WILL BE LOCATED ON PARCEL 1 AND/OR PARCEL 6 WILL PROVIDE BUFFER TYPES IN ACCORDANCE WITH THE BUFFER REQUIREMENTS SPECIFIED IN LDC SECTION 10-416(4)(3).
- NO BUFFERS ARE REQUIRED FOR SINGLE-FAMILY, DUPLEX OR TWO-FAMILY ATTACHED UNITS ON INDIVIDUAL LOTS.
- NO BUFFERS ARE REQUIRED FOR THE GOLF COURSE BECAUSE IT IS PART OF THE RESIDENTIAL PLANNED DEVELOPMENT.
- THE MULTIPLE-FAMILY AREAS WILL PROVIDE A TYPE "B" BUFFER ABUTTING THE SINGLE FAMILY RESIDENTIAL AREAS AND A TYPE "D" BUFFER ABUTTING ANY PUBLIC RIGHT-OF-WAY OR ROADWAY EASEMENT.
- THE CLUB HOUSE AREA WILL NOT REQUIRE A BUFFER IF IT DOES NOT DIRECTLY ADJUT RESIDENTIAL AREAS. THE CLUB HOUSE AREA WILL CONTAIN A EITHER A TYPE "C" OR TYPE "F" BUFFER IF IT ADJUTS RESIDENTIAL DWELLING UNITS.
- IF ROADS, DRIVES, OR PARKING AREAS ARE LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL USE, THE SITE WILL HAVE TO COMPLY WITH LDC SECTION 10-416(4)(6).
- LANDSCAPING REQUIREMENTS WILL BE IN ACCORDANCE WITH LDC SECTION 10-416.
- THE MOST OF THE WETLANDS THAT ARE SHOWN ON THE MASTER CONCEPT PLAN WILL BE PRESERVED AND ENHANCED IN ACCORDANCE WITH THE PERMITS ISSUED FOR THE PROJECT. FIELD SURVEYS HAVE INDICATED THAT 44.91 ACRES OF WETLANDS EXIST AND THE APPLICANT IS PROPOSING TO IMPACT 7.112 ACRES, LEAVING A TOTAL OF 37.802 ACRES OF WETLAND PRESERVES.
- THE PROPOSED LAKES WILL BE EXCAVATED IN ACCORDANCE WITH THE LDC SECTION 10-329. LITTORAL PLANTING WILL BE IN ACCORDANCE WITH LDC SECTION 10-418(a)(2).

## SCHEDULE OF USES - RESIDENTIAL AREAS CLASSIC HILLS GOLF COMMUNITY

REVISED June 15, 1999

THE FOLLOWING USES ARE BEING REQUESTED FOR THE RESIDENTIAL AREAS:

- ACCESSORY USES AND STRUCTURES
- ACCESSORY APARTMENT
- ADMINISTRATIVE OFFICES
- COUNTRY CLUB
- CONSUMPTION ON PREMISES
- DAY CARE CENTER, CHILD DWELLING UNITS
- DUPLEX, SINGLE-FAMILY
- TWO-FAMILY ATTACHED
- TOWNHOUSE, MULTIPLE-FAMILY BUILDINGS
- ZERO LOT LINE
- ENTRANCE GATES AND/OR GATE HOUSES
- ESSENTIAL SERVICES
- ESSENTIAL SERVICES FACILITIES - GROUP I
- EXCAVATION/WATER RETENTION
- FENCES, WALLS
- FOOD AND BEVERAGE SERVICES, LIMITED
- GOLF COURSE
- GOLF DRIVING RANGE
- HOME OCCUPATION
- MODEL HOME, UNIT, DISPLAY CENTER
- PARKING LOT, ACCESSORY
- PERSONAL SERVICES - GROUP I AND GROUP II, LIMITED TO HEALTH CLUB OR SPA ONLY
- REAL ESTATE SALES OFFICE - TEMPORARY
- RECREATIONAL FACILITIES - PERSONAL, PRIVATE
- RESIDENTIAL ACCESSORY USES
- RESTAURANT - GROUP I, II AND III
- SIGNS - IN ACCORDANCE WITH CHAPTER 30 OF LDC
- SPECIALTY RETAIL SHOPS - GROUPS I AND II
- TEMPORARY USES

\* MARKED USES WILL ONLY BE ALLOWED WITHIN THE CLUB HOUSE AREA. ALL OTHER USES WILL BE ALLOWED ANYWHERE WITHIN THE RESIDENTIAL AREAS.

## SCHEDULE OF USES - COMMERCIAL AREAS CLASSIC HILLS GOLF COMMUNITY

REVISED June 15, 1999

THE FOLLOWING USES ARE BEING REQUESTED FOR THE COMMERCIAL AREAS:

- ACCESSORY USES AND STRUCTURES
- ACCESSORY APARTMENT
- ADMINISTRATIVE OFFICES
- ATM (AUTOMATIC TELLER MACHINE)
- AUTOMOBILE SERVICE STATION
- BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I AND II
- BAR OR COCKTAIL LOUNGE
- BED AND BREAKFAST
- BUSINESS SERVICES - GROUP I
- CARETAKER'S RESIDENCE
- CAR WASH
- CLEANING AND MAINTENANCE SERVICES
- CLOTHING STORES, GENERAL
- CLUBS, COUNTRY, COMMERCIAL, FRATERNAL, MEMBERSHIP ORGANIZATION, PRIVATE
- COMPUTER AND DATA PROCESSING SERVICES
- CONSUMPTION ON PREMISES
- CONVENIENCE FOOD AND BEVERAGE STORE
- CULTURAL FACILITIES (EXCLUDING ZOOS OR OTHER OUTDOOR USES)
- DAY CARE CENTER, CHILD, ADULT
- DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
- DRUGSTORE, PHARMACY
- DWELLING UNITS
- TWO-FAMILY ATTACHED
- TOWNHOUSE
- MULTIPLE-FAMILY BUILDINGS
- ZERO LOT LINE
- EMERGENCY MEDICAL SERVICE (AMBULANCE STATION)
- ESSENTIAL SERVICES
- ESSENTIAL SERVICES FACILITIES - GROUP I
- EXCAVATION/WATER RETENTION
- FENCES, WALLS
- FIRE STATION
- FOOD AND BEVERAGE SERVICES, LIMITED
- FOOD STORES, GROUP I
- GIFT AND SOUVENIR SHOP
- HARDWARE STORE
- HEALTH CARE FACILITIES, GROUPS I, II AND III
- HELIPORT OR HELISTOP
- HOBBY, TOY AND GAME SHOPS
- HOME CARE FACILITY
- HOME OCCUPATION
- HOUSEHOLD AND OFFICE FURNISHINGS, ALL GROUPS
- INSURANCE COMPANIES
- LAUNDRY OR DRY CLEANING, GROUP I
- LAWN AND GARDEN SUPPLY STORES
- LIBRARY
- MEDICAL OFFICE
- MINI-WAREHOUSE
- NONSTORE RETAILERS, ALL GROUPS
- PACKS, AND EXPRESS SERVICES
- PACKAGE STORE
- PAINT, GLASS AND WALLPAPER
- PARKING LOT, ACCESSORY, COMMERCIAL, GARAGE (LIMITED TO 2 STORIES)
- PUBLIC PARKING, TEMPORARY
- PERSONAL SERVICES - GROUPS I, II (EXCLUDING MASSAGE PARLORS, III AND IV)
- QUARTERS FOR BABYSITTING BUREAUS, PORTRAIT COPYING, SHOPPING SERVICES AND TAX RETURN PREPARATION SERVICES)
- PET SHOP
- PHARMACY
- PLACE OF WORSHIP
- POLICE OR SHERIFF'S STATION
- POST OFFICE
- REAL ESTATE SALES OFFICE
- RECREATION FACILITIES, COMMERCIAL, GROUPS I, III (EXCLUDING ANY OUTDOOR
- CULTURAL FACILITY OPERATED AS A COMMERCIAL ESTABLISHMENT, AND
- WATER SLIDES, AQUATIC CENTERS, AND IV
- RECREATIONAL FACILITIES - PERSONAL, AND PRIVATE
- RELIGIOUS FACILITIES
- RENTAL OR LEASING ESTABLISHMENTS - GROUPS I, II AND III
- REPAIR SHOPS - GROUPS I, II AND III
- RESTAURANT, FAST FOOD
- RESTAURANT - GROUPS I, II, III AND IV
- RETAIL AND WHOLESALE SALES, WHEN CLEARLY INCIDENTAL AND SUBORDINATE TO A PERMITTED PRINCIPAL USE ON THE SAME PREMISES
- SELF SERVICE FUEL PUMPS
- SIGNS - IN ACCORDANCE WITH CHAPTER 30 OF LDC
- SPECIALTY RETAIL SHOPS - GROUPS I, II, III AND IV
- STORAGE, OPEN (BOAT AND RV ONLY, FOR CLASSIC HILLS RESIDENTS ONLY)
- TEMPORARY USES
- VARIETY STORE
- VEHICLE AND EQUIPMENT DEALERS - GROUP I, II AND III
- WAREHOUSES - MINI-WAREHOUSES (NO EXTERIOR DOORS FACING ADJACENT
- RESIDENTIAL PROPERTY OR PROVIDE TYPE "C" BUFFER IN ACCORDANCE WITH LDC SECTION 10-416(4)(4).

THE MAXIMUM BUILDING SQUARE FOOTAGE ALLOWED IN THE COMMERCIAL AREAS IS 100,000 S.F. ANY COMBINATION OF USES CAN BE USED AS LONG AS THE MAXIMUM ALLOWABLE SQUARE FOOTAGES ARE NOT EXCEEDED.

IN THE EVENT THE PARCELS ARE NOT DEVELOPED AS COMMERCIAL IN WHOLE OR IN PART, DWELLING UNITS, AS LISTED ABOVE, CAN BE CONSTRUCTED ON THE PROPERTY AND OPEN SPACE, BUFFERS AND LANDSCAPING WILL BE IN ACCORDANCE WITH GENERAL NOTES NUMBERS 7, 8 AND 9.

## SCHEDULE OF DEVIATIONS CLASSIC HILLS GOLF COMMUNITY

REVISED June 15, 1999

1. LDC SECTION 34-695, 34-715 AND 34-844: DEVIATE FROM THE REQUIRED PROPERTY DEVELOPMENT REGULATIONS FOR ONE AND TWO FAMILY RESIDENTIAL DISTRICTS, MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND CONVENTIONAL COMMERCIAL DISTRICTS TO THE FOLLOWING:

### SINGLE FAMILY DETACHED - VILLAS

MINIMUM LOT AREA = 5,000 S.F.  
MINIMUM LOT SIZE = 40' x 125'  
MINIMUM CORNER LOT SIZE = 30' x 125'  
FRONT SETBACK FROM STREET = 20'  
SIDE SETBACK FROM STREET = 15'  
SIDE SETBACK = 5'  
REAR SETBACK = 5'  
SETBACK FROM WATERBODY = 15'  
MAXIMUM BUILDING HEIGHT = 35', 3 Stories  
MAXIMUM LOT COVERAGE = 60%

### SINGLE FAMILY DETACHED - REGULAR

MINIMUM LOT AREA = 6,000 S.F.  
MINIMUM LOT SIZE = 40' x 100'  
MINIMUM CORNER LOT SIZE = 30' x 100'  
FRONT SETBACK FROM STREET = 20'  
SIDE SETBACK FROM STREET = 15'  
SIDE SETBACK = 5'  
REAR SETBACK = 5'  
SETBACK FROM WATERBODY = 15'  
MAXIMUM BUILDING HEIGHT = 35', 3 Stories  
MAXIMUM LOT COVERAGE = 60%

### ZERO LOT LINE, TWO-FAMILY ATTACHED OR TOWNHOUSE

MINIMUM LOT AREA = 2,000 S.F.  
MINIMUM LOT SIZE = 25' x 80'  
MINIMUM CORNER LOT SIZE = 40' x 80'  
FRONT SETBACK FROM STREET = 20'  
SIDE SETBACK FROM STREET = 15'  
SIDE SETBACK = 10'  
REAR SETBACK = 10'  
MINIMUM BUILDING SEPARATION = 10'  
SETBACK FROM WATERBODY = 15'  
MAXIMUM BUILDING HEIGHT = 35', 3 Stories  
MAXIMUM LOT COVERAGE = 60%

### MULTIPLE-FAMILY HOUSING (THREE OR MORE UNITS PER BUILDING)

MINIMUM LOT AREA = 10,000 S.F.  
MINIMUM LOT SIZE = 100' x 100'  
MINIMUM CORNER LOT SIZE = 10' x 100'  
FRONT SETBACK FROM STREET = 20'  
SIDE SETBACK FROM STREET = 15'  
SIDE SETBACK = 15'  
REAR SETBACK = 20'  
MINIMUM BUILDING SEPARATION = 10'  
SETBACK FROM WATERBODY = 15'  
MAXIMUM BUILDING HEIGHT = 35', 4 Stories  
MAXIMUM LOT COVERAGE = 60%

### ALL USES ALLOWED IN THE CLUBHOUSE AREA

MINIMUM LOT AREA = 7,500 S.F.  
MINIMUM LOT SIZE = 75' x 100'  
MINIMUM CORNER LOT SIZE = 90' x 100'  
FRONT SETBACK FROM STREET = 20'  
SIDE SETBACK FROM STREET = 15'  
SIDE SETBACK = 10'  
REAR SETBACK = 10'  
MINIMUM BUILDING SEPARATION = 20'  
SETBACK FROM WATERBODY = 15'  
MAXIMUM BUILDING HEIGHT = 35', 2 Stories  
MAXIMUM LOT COVERAGE = 50%

### ALL USES LISTED FOR COMMERCIAL AREAS

MINIMUM LOT AREA = 7,500 S.F.  
MINIMUM LOT SIZE = 75' x 100'  
MINIMUM CORNER LOT SIZE = 90' x 100'  
FRONT SETBACK FROM STREET = 20'  
SIDE SETBACK FROM STREET = 15'  
SIDE SETBACK = 10'  
REAR SETBACK = 10'  
MINIMUM BUILDING SEPARATION = 20'  
SETBACK FROM WATERBODY = 15'  
MAXIMUM BUILDING HEIGHT = 35', 2 Stories  
MAXIMUM LOT COVERAGE = 50%

### ALL USES LISTED FOR COMMERCIAL AREAS

MINIMUM LOT AREA = 7,500 S.F.  
MINIMUM LOT SIZE = 75' x 100'  
MINIMUM CORNER LOT SIZE = 90' x 100'  
FRONT SETBACK FROM STREET = 20'  
SIDE SETBACK FROM STREET = 15'  
SIDE SETBACK = 10'  
REAR SETBACK = 10'  
MINIMUM BUILDING SEPARATION = 20'  
SETBACK FROM WATERBODY = 15'  
MAXIMUM BUILDING HEIGHT = 35', 2 Stories  
MAXIMUM LOT COVERAGE = 50%

2. LDC SECTION 34-935(h)(4): DEVIATE FROM THE REQUIRED MINIMUM SEPARATION OF BUILDINGS SHALL BE ONE-HALF THE SUM OF THEIR HEIGHTS, OR 20 FEET, WHICHEVER IS GREATER, TO ALLOW THE MINIMUM SEPARATION OF BUILDINGS TO BE 10 FEET.

3. LDC SECTION 34-2222(1): DEVIATE FROM THE REQUIRED CORNER LOTS TO INCREASE THE MINIMUM SPECIFIED LOT WIDTH BY 15 FEET IN ALL ZONING DISTRICTS WHICH HAVE A MINIMUM REQUIRED LOT WIDTH OF 100 FEET OR LESS, TO ALLOW FOR AN INCREASE OF THE MINIMUM SPECIFIED CORNER LOT WIDTH BY 10 FEET FOR RESIDENTIAL LOTS THAT HAVE LESS THAN 100 FEET LOT WIDTH.

4. LDC SECTION 10-285: DEVIATE FROM THE REQUIRED INTERSECTION SEPARATION FOR COLLECTOR ROADWAY OF 130' TO A MINIMUM OF 245' ON 23RD STREET FROM THE BETH STACEY BOULEVARD INTERSECTION FOR A RIGHT-IN ONLY INTO THE COMMERCIAL PARCEL.

5. LDC SECTION 10-285: DEVIATE FROM THE REQUIRED INTERSECTION SEPARATION FOR ARTERIAL ROADWAY OF 660' TO A MINIMUM OF 330' ON BETH STACEY BOULEVARD FROM THE INTERSECTION OF 23RD STREET FOR THE COMMERCIAL PARCELS FOR RIGHT-IN, RIGHT-OUT ONLY WITH THE CONDITION THAT THE MEDIAN THAT CURRENTLY EXISTS ON BETH STACEY BOULEVARD, NORTH OF 23RD STREET, IS CONTINUED SOUTH TO THE INTERSECTION OF THE RESIDENTIAL AREAS THAT IS 660' FROM THE 23RD STREET INTERSECTION.

6. LDC SECTION 10-285: DEVIATE FROM THE REQUIRED INTERSECTION SEPARATION FOR ARTERIAL ROADWAY OF 660' TO A MINIMUM OF 330' ON BETH STACEY BOULEVARD FROM THE INTERSECTION OF THE RESIDENTIAL AREAS TO THE ENTRANCES OF THE RESIDENTIAL AREAS FOR FULL ACCESS.

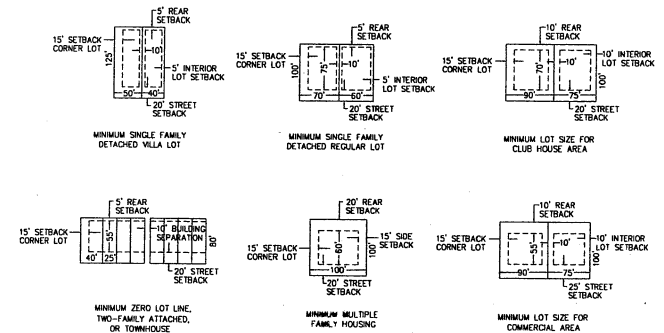
7. LDC SECTION 10-285: DEVIATE FROM THE REQUIRED INTERSECTION SEPARATION FOR ARTERIAL ROADWAY OF 660' TO A MINIMUM OF 330' ON BETH STACEY BOULEVARD FROM THE INTERSECTION OF THE RESIDENTIAL AREAS TO THE INTERSECTION OF PARKSON STREET.

8. LDC SECTION 10-328(a): DEVIATE FROM THE REQUIRED 20 FEET MAINTENANCE EASEMENT AROUND WATERCOURSES, DRAINAGEWAYS, CANALS, I.D.D. EASEMENTS, LAKES POND OR STREAMS, TO ALLOW FOR NO MAINTENANCE EASEMENT FOR AREAS THAT DO NOT ADJUT SINGLE-FAMILY LOTS AND 15 FEET MAINTENANCE EASEMENT FOR AREAS DIRECTLY ADJUT SINGLE-FAMILY LOTS.

9. LDC SECTION 10-152(2): REQUIRES THAT IDENTIFICATION SIGNS BE SET BACK A MINIMUM OF 15 FEET FROM ANY RIGHT-OF-WAY OR EASEMENT, TO ALLOW IDENTIFICATION SIGNS TO BE 0 FEET TO A RIGHT-OF-WAY PROVIDED THAT LOCATION AND CONSTRUCTION OF THE IDENTIFICATION SIGN ARE IN ACCORDANCE WITH REGULATIONS FOR MINIMUM SAFETY SIGHT DISTANCES.

10. LDC SECTION 10-416(a)(2): DEVIATE FROM THE REQUIREMENT THAT RESIDENTIAL DEVELOPMENTS MUST PROVIDE ONE TREE PER 3,000 SQUARE FEET OF DEVELOPMENT AREA, TO ALLOW THE RESIDENTIAL DEVELOPMENT MUST PROVIDE ONE TREE PER 3,000 SQUARE FEET OF DEVELOPMENT AREA LESS THE WETLAND PRESERVE AREAS OF 37.80 ACRES.

## MINIMUM PROPERTY DEVELOPMENT REGULATIONS



## DEVIATIONS 1, 2, AND 3

## OPEN SPACE TABLE CLASSIC HILLS GOLF COMMUNITY

GROSS ACREAGE	289.302 Acres
LESS SINGLE FAMILY LOTS OF 6,500 S.F. OR GREATER AND LOTS OF 3,750 S.F. OR GREATER FOR TWO-FAMILY ATTACHED	92.902 Acres
GROSS ACREAGE FOR OPEN SPACE CALCULATIONS	196.302 Acres
LOTS SMALLER THAN 6,500 S.F. FOR SINGLE FAMILY AND LOTS SMALLER THAN 3,750 S.F. FOR TWO-FAMILY ATTACHED	12.902 Acres x 40% = 5.162 Acres
GOLF COURSE, AQUA RANGE AND CLUB HOUSE	173.402 Acres x 40% = 69.362 Acres
COMMERCIAL	10.002 Acres x 30% = 3.002 Acres
TOTAL OPEN SPACE TO BE PROVIDED	77.522 Acres
50% OF TOTAL OPEN SPACE TO BE EXISTING INDIGENOUS VEGETATION	77.522 Acres x 50% = 38.762 Acres*

THE REQUIREMENT FOR PRESERVATION OF 38.762 ACRES OF EXISTING INDIGENOUS VEGETATION WILL BE MET WITH THE WETLAND PRESERVES (37.802 ACRES) PLUS AN ADDITIONAL 0.96 ACRES ELSEWHERE ON THE SITE.

THE OPEN SPACE TABLE WILL BE UPDATED DURING EACH PHASE-OF-DEVELOPMENT ORDER APPROVAL AND WILL TRACK THE OPEN SPACE REQUIREMENTS TO VERIFY THAT THE REQUIRED OPEN SPACE IS BEING PROVIDED.

APPROVED

Master Concept Plan

Site Plan #97-12-179-032

Subject to conditions in Resolution 297-017

Zoning Case #97-12-179-032 01-01

RECEIVED  
AUG 26 1999

PERMIT COUNTER

PROJECT # 97-12-179-032  
PROJECT TYPE 12

## Classic Hills Golf Community

Section 6, Township 45 South, Range 27 East  
Lee County, Florida

## Master Concept Plan Exhibit IV-E

June 15, 1999

Revised August 24, 1999

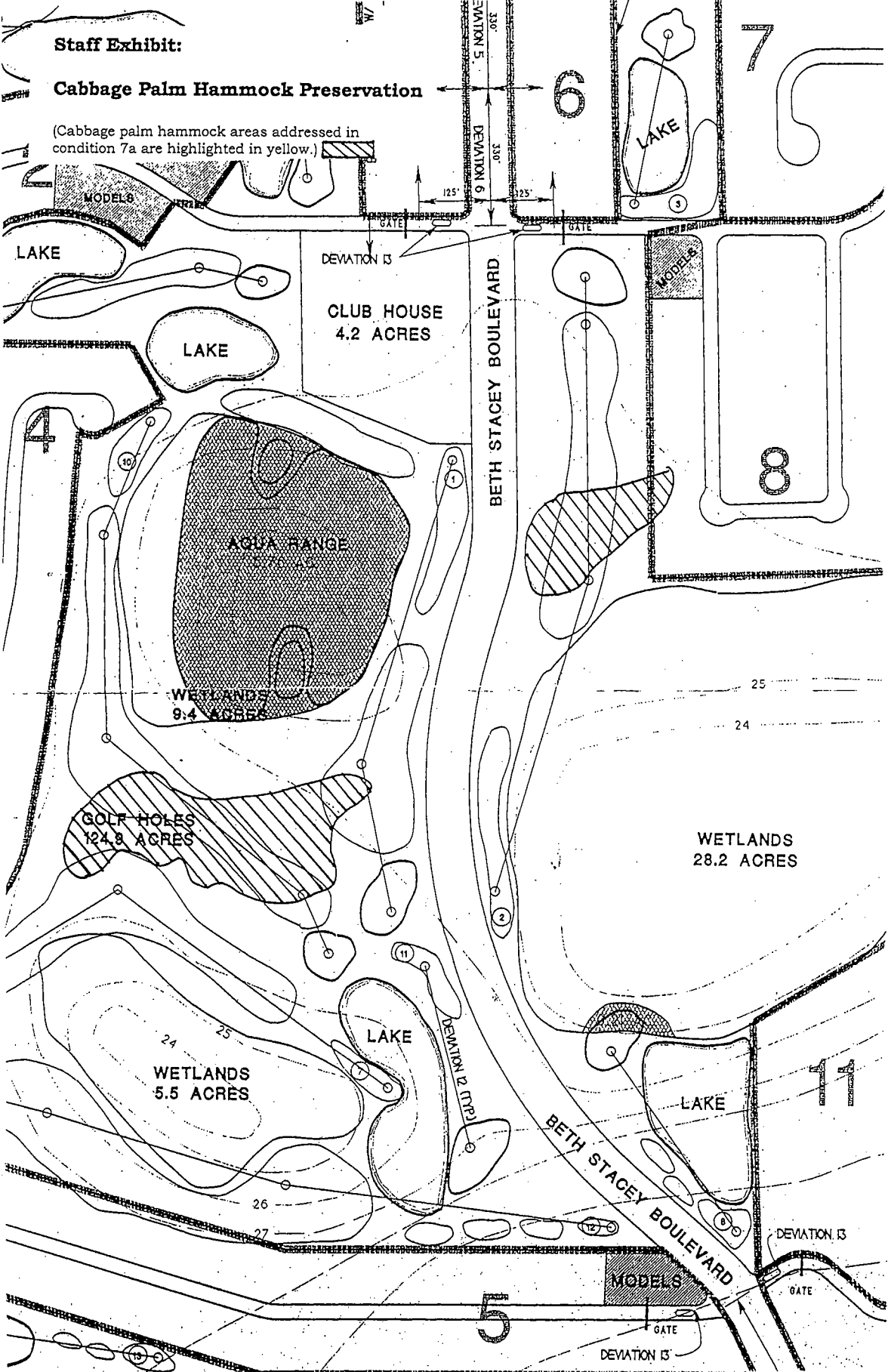
Sheet 2 of 2

[illegible]

Staff Exhibit:

**Cabbage Palm Hammock Preservation**

(Cabbage palm hammock areas addressed in condition 7a are highlighted in yellow.)

[illegible]

**AGREEMENT REGARDING THE CONSTRUCTION OF IMPROVEMENTS TO  
CONNECT BETH STACEY BOULEVARD TO MILWAUKEE BOULEVARD AND  
THE DEDICATION OF RELATED RIGHTS-OF-WAY.**

This is an agreement by and between Lehigh Corporation, a Florida Corporation, (Lehigh), and Lee County, a political subdivision of the State of Florida (County).

**RECITALS**

1. An additional east/west road corridor through Lehigh Acres would afford relief to certain Lehigh Acres roads as well as address a long standing public transportation need.
2. The County has examined the feasibility of constructing an alternate east/west corridor *other than* the Beth Stacey/Milwaukee Corridor and has concluded that the extension of the Beth Stacey Boulevard to Milwaukee Boulevard is the best alternative in light of costs, safety, and environmental considerations.
3. The County and Lehigh desire to collaborate on the construction of two segments of roadway designed to complete a continuous roadway from the intersection of Beth Stacey Boulevard and 23rd Street to Milwaukee Boulevard at Homestead Road in accordance with the terms and conditions of this agreement.
4. As part of the collaboration, Lehigh Corporation will be responsible for constructing the two segments of the east/west corridor necessary to complete the roadway from the intersection of Beth Stacey Boulevard and 23rd Street to Milwaukee Boulevard at Homestead. The County will be responsible for reviewing all design plans and inspections. The County will issue road impact fee credits for the new construction in accordance with Section D of this agreement.
5. The Board of County Commissioners has the authority under the Florida Statutes and the Lee County Land Development Code to issue road impact fee credits in exchange for roadway construction by private entities.
6. The County is willing to issue road impact fees credits for the construction of the two roadway segments needed to connect Beth Stacey Boulevard to Milwaukee Boulevard.

NOW THEREFORE, in light of the foregoing recitals, the parties agree as follows:

### A. DEFINED TERMS

When used herein, each of the following terms will have the meaning set forth for it as follows:

1. "East/West Corridor" means the continuous roadway from the existing intersection of Beth Stacey Boulevard and 23rd Street southerly to and including the existing Milwaukee Boulevard located in Section 7, Township 45 S, Range 27 E, and continuing from the southern end of existing Milwaukee Boulevard in Section 7 Township 45 S, Range 27 E southerly then easterly to connect to Homestead Road at the existing intersection with Milwaukee Boulevard from the east.
2. "East/West Corridor - Segment 1" means the segment of the east/west corridor from the current southern terminus of Beth Stacey Boulevard at the intersection of 23rd Street connecting to the northern terminus of Milwaukee Boulevard at the south line of Section 6, Township 45 South, Range 27 East, for a distance of approximately 3,630 feet, as shown on Exhibit "A".
3. "East/West Corridor - Segment 2" means the segment of the east/west corridor from the current southern terminus of Milwaukee Boulevard in Section 7, Township 45 S, Range 27 E, near Preston Street connecting to the western terminus of Milwaukee Boulevard at the intersection with Homestead Road, for a distance of approximately 8,175 feet, as shown on Exhibit "A".
4. "County" means Lee County, a political subdivision of the State of Florida.
5. "DOT" means the Lee County Department of Transportation.
6. "Lehigh" means Lehigh Corporation, a Florida corporation or its successors or assigns.

### B. DEDICATION OF RIGHT-OF-WAY

1. Right-of-way for Segments 1 and 2 of the new east/west corridor are currently platted and dedicated to Lee County. Lehigh proposes to realign the roadway by acquiring new right-of-way. The purpose of the realignment is to avoid wetlands located within the existing platted alignment. The realignment will be in accordance with the County's short and long range plans for the segments.
2. After the County reviews and approves the new alignment, Lehigh will commence design of a two-lane collector roadway in accordance with good engineering principles and practices and subject to Lee County DOT review and approval.

3. Lehigh will dedicate the new right-of-way alignment for segments 1 and 2 of the new east/west corridor within 30 days of the issuance of a Certificate of Completion on the roadway improvements. The dedication to the County will be in the form of a warranty deed conveying unencumbered title in fee simple. The County will accept the right-of-way dedication of the newly aligned segments 1 and 2 of the east/west collector roadway. Lehigh will pay documentary stamp taxes and prorated ad valorem taxes on the dedicated right-of-way. Lehigh will also pay for all costs associated with preparing the deed for recording, including surveys. The County will pay for recording costs and the title insurance policy premium, if necessary.
4. There will be no road impact fee credits issued for the right-of-way dedicated for Segments 1 and 2 because the County already owns the existing right-of-way alignments.

#### C. DESIGN AND CONSTRUCTION OF ROADWAY IMPROVEMENTS

1. Lehigh will design a two-lane collector road within the right-of-way of segments 1 and 2 of the new east/west collector.
2. The roadway design is subject to the approval of Lee County DOT.
3. No development order for construction may be issued until Lehigh obtains written documentation of DOT's approval of the proposed design.
4. Upon receipt of the development order and other required permits, Lehigh will diligently pursue the construction of the roadway segments.
5. If Lehigh constructs a two-lane roadway within newly dedicated right-of-way brought about by the realignment of the road, Lehigh may, at their expense, pursue the vacation of the unused portions of the existing County right-of-way.

#### D. ISSUANCE OF CREDITS

1. In consideration for the design, permitting, and construction of segments 1 and 2 of the new east/west corridor, the County will issue to Lehigh road impact fee credit in the amount of 53 percent of the costs associated with those tasks and in accordance with the Land Development Code. The creditable amount will be based on the cost of the design, permitting and construction of a two-lane undivided, at grade collector roadway, and will be based on an engineer's certification and subject to Lee County DOT review and approval. If Lehigh chooses to design, permit and construct an alternative configuration (i.e. a two-lane divided collector), any additional costs associated with that alternative configuration would be solely Lehigh's responsibility.



2. Road impact fee credits will be issued in two stages on each of the roadway segments. The first disbursement will occur upon commencement of construction. This disbursement will be for 53 percent of the documented costs of design and permitting of a two-lane undivided, at grade collector for each roadway segment. The second disbursement will occur when construction is complete and accepted by the county for maintenance in accordance with AC 11-7 or when the total construction costs have been bonded guaranteeing completion in accordance with Land Development Code Section 2-275(a)(4). This disbursement will be for 53 percent of the documented costs of construction for a two-lane undivided, at grade, collector roadway..
3. Road impact fee credits may be issued separately for each of the two segments for the east/west collector roadway.

#### E. WAIVER OF PAYMENTS UNDER THE 23RD STREET AGREEMENT

Lehigh waives the \$45,000 potentially due to Lehigh pursuant to paragraph 3(h) of the agreement entitled "Agreement Regarding Alvin Avenue Improvements, 23rd Street SW improvements, Beth Stacey Boulevard Improvements and related rights of way Dedication" dated June 5, 1996.

#### F. GENERAL PROVISIONS

1. The County's Impact Fee Coordinator will maintain an accounting of the road impact fee credits to which Lehigh is entitled from time to time in accordance with this Agreement. Any Assignee from Lehigh may also use the road impact fee credits, but only if written notice to the County's Impact Fee Coordinator is signed by both the assignee and Lehigh. This provision shall survive any completion of the terms of this agreement.
2. This Agreement imposes no obligation on any of the parties hereto except as expressly provided for herein.
3. In the event of any action filed in Circuit Court to interpret or enforce this Agreement, any provision hereof or any matter arising here from, the prevailing party shall be entitled to recover its reasonable costs, fees and expenses, including but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal and legal assistant fees, county staff time costs and expenses and any other professional fees, costs and expenses. Venue for any action to interpret or enforce this agreement will be Lee County, Florida. The terms of this agreement will be governed by the laws of the State of Florida.
4. Any notices which may be permitted or required hereunder must be in writing and will be deemed to have been duly given as of the date and time the same are personally delivered, transmitted electronically (Fax'ed) or within three (3)

days after depositing with the United States Postal Service, postage prepaid by registered or certified mail, return receipt requested, or within one (1) day after depositing with Federal Express or other overnight delivery service from which a receipt may be obtained, and addressed as follows:

If to the County: Lee County  
Department of Transportation  
P.O. Box 398  
Fort Myers, Florida 33902-0398

If to Lehigh: Lehigh Corporation  
226 E. Joel Boulevard 12  
Lehigh Acres, Florida 33936

5. If Lehigh fails to complete the construction of segments 1 and 2 of the new east/west corridor by June 1, 2003, or within five years from the date this agreement is executed, whichever is later, then in that event, this document is null and void and of no further force and effect.
6. The parties hereto agree that Lehigh shall have the right to assign its rights under this Agreement, either in whole or in part, to a third party, provided that said third party assumes Lehigh's duties and obligations under this Agreement.
7. This agreement embodies the entire agreement between the parties and may not be waived or amended except by written instrument signed by both parties.
8. The Exhibits referred to herein are incorporated into the agreement by reference.
9. Lehigh and the County acknowledge that this agreement was prepared after negotiations between them. Accordingly, the agreement will not be interpreted against either party solely because that party's counsel took the lead in drafting the agreement.
10. This agreement may be executed in one or more counterparts, each of which will be deemed an original.
11. The date of this Agreement is the date of the public hearing at which the Board of County Commissioners approves this Agreement by oral motion.

IN WITNESS WHEREOF, Lehigh Corporation and Lee County have executed this agreement on the date set forth below.

Attest

Lehigh Corporation

Janet Allison  
Janet Allison, Secretary

Gregory M. Morris  
By: Gregory M. Morris, President

(SEAL)

NOTARY  
State of Florida  
County of Lee

The foregoing instrument was acknowledged before me on 10/30/98, 1998 by Gregory M. Morris of Lehigh Corporation, in his capacity as President. He is personally known to me.

(SEAL)

Tena M. Wyskochil  
Signature of Notary

Tena M. Wyskochil

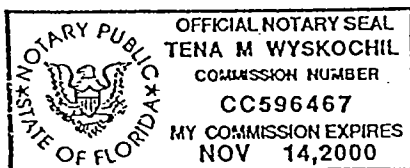
Print Name of Notary

Nov. 14, 2000

Commission Expiration

CC596467

Commissioner Number



ATTEST: Charlie Green, Clerk

By: Charlie Green  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY FLORIDA

By: Ray Judah  
Ray Judah, Chairman

Approved as to form by the  
Office of the Lee County Attorney

By: Ann Marie Collins

Attachments: Exhibit A, Map of Segments 1 and 2

EXHIBIT "A"

